REMARKS

In the specification, the "Cross Reference to Related Applications" paragraph is added to the beginning.

The Examiner rejects claim 4 "under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 4 it is unclear how the first and second pivots are coaxial." Claim 4 is canceled.

The examiner rejects claims 5, 6, 8-14, 16, 19-23 under 35 U.S.C. 112, second paragraph, as being indefinite. The Examiner states: "[c]laims 5, 6, 8-14, 16, 19-23 are indefinite because it is unclear which plane is being referred to by the limitation 'the plane at the center of rotation of the pulley (or pivot bearing)'. There are an infinite number of planes at the center of rotation of the pulley, such as a horizontal plane and a vertical plane. For this office action a vertical plane will be used as the plane at the center of rotation of the pulley or pivot bearing." The "plane at the center of rotation" is a defined term within the specification at page 2 lines 4-6. (See also page 5 line 28 – 31) However, "vertical" appears nowhere within the application and is not a natural tenant of the application.

The applicant believes that there is only one plane that fits the definition. Accordingly, this usage does not render the claims unclear or indefinite. However, it is recognized that more common usage might be to specify the plane in question as the plane of rotation at the center of the pulley. The use of vertical, however, would be unclear. Claims 5, 8, 11, 16, 19 and 23 are amended to refine the term of the recited plane as "the plane of rotation at the center of said pulley". Claim 6 depends from claim 5. Claims 9, 10, 12, and 13 depend from claim 8. Claims 20, 21 and 23 depend from claim 19. These dependent claims thus include this clarification but are not amended, however, because they do not recite the phrase in question. Claim 14 does not include the phrase in question, nor does it depend from a claim having the phrase in question. Accordingly, it is not amended.

The Examiner states: "[c]laims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Wanie (US 6,398,681). Wanie discloses a tensioner having a first pulley (50) adapted to communicate with a surface of a power transmission belt, an arm (60) supporting said pulley upon which said pulley is rotatably mounted via a pulley bearing (see Fig 2), a second pulley (52) adapted to communicate with a surface of said power transmission belt, a

second arm (62) supporting said second pulley upon which said second pulley is rotatably mounted via a second pulley bearing (see Fig 2), the improvement comprising: a strut (58), a first attachment point for said strut (84), a second attachment point for said strut (92), said strut attached to said first and second attachment points (see Fig 2), said first arm rotatably supported at a first pivot (see Fig 2), said second arm rotatably supported at a second pivot (see Fig 2), and said first pulley and said first attachment point each being laterally offset in relation to said first pivot **and substantially balanced in terms of parasitic torque across said first pivot** (see Fig 2), first and second pivots are radially spaced (see Fig 2)." (emphasis added)

The elimination of parasitic torque across the pivot bearing in a tensioner using the beneficial properties of a strut biasing member and offset to accommodate certain power transmission accessory belt drive system geometries goes to the heart of the invention. (see page 1 lines 6-9) Further, parasitic torque, a twisting force tending to change axial alignment of the pivot bearing, is defined and discussed in exquisite detail in the specification at page 5 line 20 through page 8 line 4 and accompanied by figures 4 and 5. It is the force that tends to cause uneven wear along the axis the pivot bearing.

Wanie '681 is completely devoid of any reference to or discussion of parasitic torque or any equivalent. The tensioner disclosed is not balanced in terms of parasitic torque, and appears to suffer from parasitic torque. Accordingly, Wanie '681 does not disclose, teach, or even suggest that a tensioner should or even could be balanced in terms of parasitic torque across a pivot bearing. As this element is missing from the disclosure of Wanie '681, Wanie '681 does not disclose every element of claim 1, and therefore cannot be held to anticipate original claim 1. Further, despite the Examiner's assertion "said first arm rotatably supported at a first pivot (see Fig 2), said second arm rotatably supported at a second pivot (see Fig 2)", there are no arms rotatably supported. Rather, Wanie '681, Fig 2 discloses a strut like structure 58 (recognized as such by the Examiner) which impinges upon shafts 42 and 44, carrying pulleys 50 and 52, to urge the shafts and pulleys apart to apply tension to a belt, "[t]he tensioning device 58, subject of the present patent, extends between the first and second shaft members 42 and 44 to urge them apart and tension the belt 56". (column 3 lines 47-50) For this reason, and because strut like structure 58 cannot be both a strut and an arm, there is no structure that can be reasonably equated to either first or second arms of the instant application.

Because of a firm conviction that claim 1 is not anticipated by Wanie '681, and thus allowable, new claim 27 identical to original claim 1has been added by this Amendment A.

However, in the interest of moving this prosecution along, claim 1 is hereby amended to amplify the difference between first and second arms from any structure disclosed in Wanie '681. The phrase "and adapted to rotate about an axis substantially parallel to said [first or second] axis" has been twice added to descriptions of the first and second arms. The applicant believes this to ensure that claim 1 is not anticipated by Wanie '681 and thus in condition for allowance. Claims 2-14 depend from claim 1 and are thus believed to also be in condition for allowance.

Claim 15 has been amended in a like manner to claim 1 and is believed to also be in condition for allowance. Claims 16-25 depend from claim 15 and are thus believed to be in condition for allowance.

Claim 26 includes the limitation "said first supporting structure communicating said biasing force to said first pulley **through rotation about said first pivot bearing**, said second supporting structure communicating said biasing force to said second pulley **through rotation about said second pivot bearing**". (emphasis added) Wanie '681 simply discloses nothing similar to the bold portions just quoted. According, original claim 26 is believed to be in condition for allowance.

As mentioned above, new claim 27 is identical to original claim 1 and believed in condition for allowance on basis asserted above.

New claim 28 is identical to original claim 15 and, for the reasons applied to the discussion of claim 27, is believed to be in condition for allowance.

In light of the foregoing amendments and remarks, allowance of all claims is respectfully solicited. If issues remain and the Examiner feels that it would expedite prosecution, the examiner is urged to call the undersigned.

Respectfully submitted,

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